IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.408 OF 2005
IN
SUMMARY SUIT NO.1090 OF 2005

M/s.Mipak Plastics Pvt.Ltd. ....Plaintiff
V/s.
M/s.HPM Industries Ltd.& Ors. ....Defendants

Mr.Sunil Chaturvedi for the Plaintiff.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 22ND NOVEMBER, 2005.

P.C. :

1. The suit is filed to recover the price of the goods sold and delivered by the Plaintiff to Defendant No.1. The suit is also filed to recover the amounts of a dishonoured cheque issued by Defendant No.2 in discharge of the liabilities of Defendant No.1.

2. As far as Defendant No.1 is concerned, a reference under B.I.F.R. in respect of Defendant No.1 is pending. Hence the Summons for Judgment as against Defendant No.1 is dismissed with leave to take out a fresh Summons for Judgment, if occasion arises.

3. As far as Defendant No.2 is concerned, there

is no evidence to the suit. The cheque was issued to the Plaintiff in Bombay. The Plaintiff has obtained leave under Clause XII of the Letters Patent. Further issuance of the cheque is not denied. That the cheque was dishonoured is not denied.

4. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as against Defendant No.2 with costs.